



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2006 JAN 20 AM 8:57

999 18TH STREET- SUITE 300

DENVER, CO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

FILED
EPA REGION VIII
HEARING CLERK

DOCKET NO.: CWA-08-2006-0013

IN THE MATTER OF:

RHINEHART OIL COMPANY

RESPONDENT

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FINAL ORDER

Pursuant to 40 C.F.R. §22.18, of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondents are hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondents of this Consent Agreement and Final Order.

1/20/06
DATE

Carol A. LeBoo
Carol A. LeBoo, Acting
Regional Judicial Officer

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In the Matter of:

Rhinehart Oil Company

Respondent.

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EXPEDITED CONSENT AGREEMENT

Complainant, United States Environmental Protection Agency, Region VIII, and Respondent, Rhinehart Oil Company, by their undersigned representatives, hereby settle the civil cause of action arising out of violations of the Spill Prevention Control and Countermeasures (SPCC) Plan regulations found during an inspection on June 15, 2005, and agree as follows:

The Clean Water Act (the Act), as amended, 33 U.S.C. § 1321(b)(6), authorizes the Administrator of EPA to assess administrative penalties against any person who violates the oil pollution prevention (SPCC) regulations, promulgated at 40 CFR Part 112 under Section 311(j) of the Clean Water Act, 33 U.S.C. § 1321(j). This authority has been properly delegated to the undersigned EPA official.

Respondent owns and/or operates a bulk distribution facility for various oil products, Rhinehart Oil Company, located at 585 East State Road, American Fork, Utah.

Respondent admits its facility is subject to the SPCC regulations.

Respondent agrees to correct the items cited on the attached List of SPCC Violations within thirty (30) days unless an extension for achieving compliance is granted by EPA at its discretion. Respondent agrees to send a copy of the revised SPCC Plan to the person named below.

Respondent admits that EPA has jurisdiction in this proceeding.

Respondent waives its right to a hearing before any civil tribunal, to contest any issue of law or fact set forth in this agreement.

This agreement, upon incorporation into a final order, applies to and is binding upon EPA and upon Respondent and Respondent's heirs, successors and assigns. Any change in ownership or corporate status of Respondent, including but not limited to any transfer of assets or real or personal property, shall not alter Respondent's responsibilities under this agreement.

This Agreement contains all terms of the settlement agreed to by the parties.

Respondent consents and agrees to the assessment of a civil penalty of \$1,150.00 which, shall be paid by sending, via certified mail, a cashier's or certified check for that amount, payable to "Oil Spill Liability Trust Fund" along with a signed copy of this agreement, to:

Jane Nakad
Technical Enforcement Program (8ENF-UFO)
USEPA Region 8
999 18th Street, Suite 300
Denver, CO 80202-2466

Respondent further agrees and consents that if Respondent fails to pay the penalty amount as required by this agreement once incorporated into the final order, or fails to make the corrective measures to obtain compliance as represented, this agreement is null and void, and EPA may pursue any applicable enforcement options.

The undersigned representative of Respondent certifies that he/she is fully authorized to enter into the terms and conditions for this agreement and to bind Respondent to the terms and conditions of this agreement.

The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with a request that it be incorporated into a final consent order.

Each party shall bear its own costs and attorneys fees in connection with this matter.

This Consent Agreement, upon incorporation into a final consent order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violations described in this agreement.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION VIII,
Office of Enforcement Compliance and Environmental Justice, Complainant.**

By: Elisabeth Evans
Elisabeth Evans, Director
Technical Enforcement Program

Date: 1.18.06

Rhinehart Oil Company, Respondent.

By: Stan C. Jardine
Name: STAN C. JARDINE

Date: January 13, 2006
Title: President

LIST OF SPCC VIOLATIONS
Rhinehart Oil Company

The SPCC Plan had the following violations:

The draft SPCC Plan submitted within the 30-day grace period described a perimeter berm which, according to a facility representative, will not be constructed as described in the Plan. A revised description of the berm and schedule for construction has not been submitted.

Corrosion protection for the 2,000 gallon heating oil UST was not addressed in violation of 40 C.F.R. § 112.8(c)(4).

The following technical violations were found during the inspection for which documentation, such as photos, to verify compliance has not yet been submitted:

Inadequate secondary containment for the railcar unloading operations in violation of 40 C.F.R. § 112.7(c).

Inadequate containment for 17 oil storage tanks in violation of 40 C.F.R. § 112.8(c)(2).

Corrosion protection for the 2,000 gallon heating oil UST was not verifiable in violation of 40 C.F.R. § 112.8(c)(4).

Inadequate containment for hundreds of 55-gallon drums in violation of 40 C.F.R. § 112.8(c)(11).

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **EXPEDITED CONSENT AGREEMENT/FINAL ORDER** in the matter **RHINEHART OIL CO.; DOCKET NO.: CWA-08-2006-0013** was filed with the Regional Hearing Clerk on January 20, 2006.

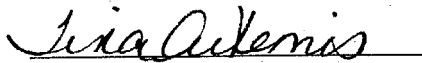
Further, the undersigned certifies that a true and correct copy of the document was delivered to Michael Risner, Enforcement Attorney, U. S. EPA – Region 8, 999 18th Street, Suite 300, Denver, CO 80202-2466. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt requested on January 20, 2006, to:

Mr. Stan Jardine
Rhinehart Oil Company
585 East State Road
American Fork, UT 84003

And

Commander
Finance Center (OGR)
U. S. Coast Guard
1430 A Kristina Way
Chesapeake, VA 23326

January 20, 2006


Tina Artemis
Regional Hearing Clerk



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